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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.553 OF 2005
IN
SUMMARY SUIT NO.1449 OF 2004

Housing Development Finance Corpn.Ltd.)..Plaintiffs

Versus

Dr.Nand Kishore)..Defendants

Mr.Sanjay Udeshi i/b.Sanjay Udeshi & Co. for the Plaintiffs.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 13TH MARCH 2006

P.C.:

. This Summons for Judgment has been taken out by the Plaintiffs. The Plaintiffs claim that an amount of Rs.16,52,353/- is due and payable to the Plaintiffs by the Defendant. The Plaintiffs had sanctioned to the Defendant a loan of an amount of Rs.10 lacs with interest @ 12.5% per annum. The loan was to be repaid in 36 Equated Monthly Instalments. The amount was released in February 1998. It appears that from February 2001 onwards the Defendant did not pay the Equated Monthly Instalments. As on 31st January 2004, an amount of Rs.16,52,353/- was outstanding including the Equated Monthly Instalments, interest, incidental

charges and additional interest.

2. There is no defence to the Summons for Judgment although it has been served. Nobody appears for the Defendant. Plaintiffs have filed the original documents. Perusal of the said documents indicate that the amount is due and payable. By his letter dated 25th March 2003 at Exhibit "D" to the Plaint, the Defendant has acknowledged and admitted the debt. In my view, therefore, the Summons for Judgment must be granted.

3. Decree as prayed for.

4. Refund as per Rules.